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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,273	12/26/2001	Gregory P. Ziarnik	1662-54700 JMH (P01-3833)	3317
23505	7590	02/18/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2125	
DATE MAILED: 02/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Applicati n N .

10/036,273

Applicant(s)

ZIARNIK, GREGORY P.

Examin r

Steven R Garland

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2002 and 22 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, " said temperature control unit " lacks a proper antecedent basis. It is suggested that in line 3, " logic " be changed to -- unit --.

In claim 7, lines 8-9, " said electronics unit " lacks a proper antecedent basis.

The remaining claims fall with the parent claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen 6,194,858.

See the abstract; figures; col. 2, lines 20-48; and the claims.

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5. Claim 18 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chen 6,194,858.

Chen teaches initializing and changing the fan speed based on the temperature. Chen teaches the use of a plurality of speeds. Chen also discloses that a higher fan speed results in more noise. See the abstract; figures; col. 2, lines 20-48; and the claims.

Obviously if not inherently when the system is initialized the first speed is preset and if the temperature exceeds the threshold then a second higher speed is selected with these speeds obviously if not inherently forming a first protocol. While a second protocol is formed by the additional higher and noisier speed(s).

6. Claims 1,4,7,10,14, and 17 are, rejected under 35 U.S.C. 102(e) as being anticipated by Kaminski et al. 6,349,385.

See the abstract; figures; col. 2, lines 6-67; col. 3, lines 56-67; col. 6, lines 18-25. Note that when the system is first turned on the fan is driven at a first speed and then in response to a raised temperature in the computer the fan speed is increased.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen 6,194,858 in views of Takeda 6,414,843.

Chen teaches system initialization in which the fan speed is set and then if the temperature exceeds a threshold a signal is asserted and a fan speed (protocol) is changed. Chen also discloses that a higher fan speed results in more noise. See the abstract; figures; col. 2, lines 20-48; and the claims.

Chen however does not specifically show all the structure used to implement the method such as the processor and the temperature sensor. Chen does show a flowchart of the method in figure 1.

Takeda teaches use of a sensor, processor (cpu), control unit, and fan to implement a cooling system for a computer.

It would have been obvious to one of ordinary skill in the art to modify to Chen in view of Takeda and use a system such as taught by Takeda so that the flowchart could be physically implemented.

Further in regards to claims 5 and 11, obviously if not inherently when the system of Chen and Takeda is initialized the first speed is preset and if the temperature exceeds the threshold then a second higher speed is selected with these speeds obviously if not inherently forming a first protocol. While a second protocol is formed by the additional higher and noisier speed(s) of Chen and Takeda.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen 6,194,858 in view of Takeda 6,414,843 as applied to claims 1-5, and 7-11 above, and further in view of Nagaraj 6,321,175 (cited by applicant).

Chen teaches system initialization in which the fan speed is set and then if the temperature exceeds a threshold a signal is asserted and the fan speed (protocol) is

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changed. Chen also discloses that a higher fan speed results in more noise. See the abstract; figures; col. 2, lines 20-48; and the claims.

Chen however does not specifically show all the structure used to implement the method such as the processor and the temperature sensor. Chen does show a flowchart of the method in figure 1.

Takeda teaches use of a sensor, processor (cpu), control unit, and fan to implement a cooling system for a computer.

It would have been obvious to one of ordinary skill in the art to modify to Chen in view of Takeda and use a system such as taught by Takeda so that the flowchart could be physically implemented.

Chen and Takeda however do not specifically teach monitoring the temperature of the processor internally.

Nagaraj teaches monitoring the temperature of a processor internally. See col. 3, lines 33-40.

It would have been obvious to one of ordinary skill in the art to modify Chen and Takeda in view of Nagaraj and control the fan based on the processor internal temperature. This would insure that the processor is cooled and prevent damage to the expensive processor.

10. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

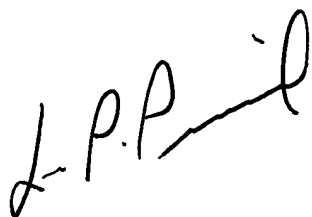
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11. Claims 6 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on 703-308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SRG
Steven R Garland
Examiner
Art Unit 2125

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100